

Entered - 05-19-00 - sb  
CL 00L0317 - GWENDOLYN BURNS

**CLAIM OF: AMEX ASSURANCE COMPANY**  
**as subrogee of Gwendolyn Benson**  
**1400 Lombardi Avenue**  
**Green Bay, Wisconsin 54304-3922**

00-*R*-1712

For damages alleged to have been sustained as a result of a vehicular accident on March 15, 2000, at Boulevard SE and Gartrell Street, SE.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION  
COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Amex Assurance Company as subrogee of Gwendolyn Benson** in the sum of **\$1,000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a vehicular accident on March 15, 2000 at Boulevard SE and Gartrell Street, SE as is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

**APPROVED: SUSAN PEASE LANGFORD**  
**CITY ATTORNEY**

BY:   
**ROSALIND RUBENS NEWELL**  
**DEPUTY CITY ATTORNEY**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0317

Date: October 20, 2000

Claimant /Victim GWENDOLYN BENSON  
BY: (Atty) (Ins. Co.) AMEX ASSURANCE COMPANY  
Address: 1400 Lombardi Avenue, Green Bay, Wisconsin 54304-3922  
Subrogation: X Claim for Property damage \$ 3,776.32 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 5/17/00 Method: Written, Proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 3/15/00 Place: Boulevard Blvd, SE & Gartrell Street, SE  
Department PUBLIC WORKS Division Sewer  
Employee involved Lorenzo Callahan Disciplinary Action: Written Reprimand & Def. Driving Class

**NATURE OF CLAIM:** Claimant's vehicle sustained damage when it was rear-ended by a City vehicle that was "following too closely". The City employee was cited for same.

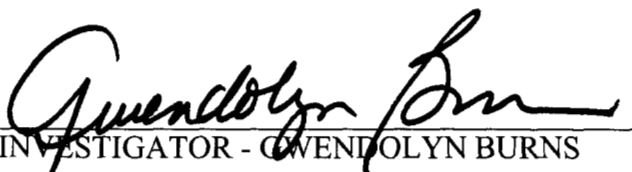
**INVESTIGATION:**

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police X Dept Report \_\_\_\_\_ Other \_\_\_\_\_  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

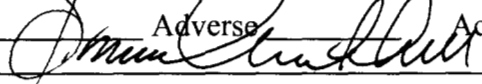
**BASIS OF RECOMMENDATION:**

Function: Governmental X Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable X  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement X  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

**RECOMMENDATION:**

Pay \$ 1,000.00 Adverse \_\_\_\_\_ Account charged: 1A01 \_\_\_\_\_ 2J01 X 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 10-20-00  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_



**Property  
Casualty**

**The American Express  
Property Casualty companies**  
1400 Lombardi Avenue  
Green Bay, Wisconsin 54304-3922

**AMEX Assurance Company  
IDS Property Casualty Insurance Company**

RECEIVED MAY 17 2000  
RECEIVED MAY 17 2000

May 10, 2000

ENTERED - 5-19-00 - SB  
00L0317 - MIKE REEVES

*Reeves*  
*05/17/00*  
*DM*

MS SHERRY BUTLER  
CITY ATLANTA LEGAL DEPT  
55 TRINITY AVE SW  
ATLANTA GA 30303

**RE:            OUR CLAIM NO.: 523613-K101  
              OUR INSURED: GWENDOLYN BENSON  
              DATE OF LOSS: 03/15/00  
              YOUR INSURED: CITY OF ATLANTA  
              YOUR DRIVER: JOHN CREAR**

Dear Ms. Butler:

Our investigation of the above dated loss has disclosed that your insured is the party responsible for the damages incurred by our insured.

We are hereby notifying you of our subrogation claim in the total amount of \$4,276.32.

Property Damage	\$3,776.32
Deductible	500.00

Please forward payment at your earliest convenience.

Please call us with any questions at 1.800.872.5246 and refer to our claim number when calling.

Sincerely,

*Candy S. Bailey*  
Candy S. Bailey, AIC  
Senior Subrogation Representative  
AMEX Assurance Company  
1.800.872.5246, Ext. 5179  
CSB/tjl

Please make check payable to:  
AMEX Assurance Company

CLAIMS\1\ FL0510

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 00L0317

\$ 1,000.00

IN CONSIDERATION of the sum of ONE THOUSAND AND NO/100  
DOLLARS, to be paid to me by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged, I  
do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City, its  
officers and employees, including but not limited to John Reed Crear, from any and all claims,  
demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for or on account  
of anything that has heretofore occurred, and particularly for or on account of a vehicular accident  
which occurred on or about the 15th day of March, 2000,  
at or near Boulevard SE and Gartrell Street, SE.

It is further understood and agreed that the payment of the above named sum is not to be considered as an  
admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the  
undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents,  
servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers,  
agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment  
of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by  
said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this  
instrument.

WITNESS my hand and seal this 2nd day of October, 2000.

Candy S. Bailey (LS)  
AMEX ASSURANCE COMPANY  
as subrogee of Gwendolyn Benson

\_\_\_\_ (LS)

The above release was read and explained to, and signed by the said \_\_\_\_\_

CANDY S. BAILEY

in our presence on the date above written.

[Signature]  
[Signature]  
WITNESSES

00- R-1712